

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Anantapur District- Revision Petition filed by K.Pothanna S/o Chinna Linganna R/o Sanapa Village, Atmakur Mandal against the orders of Joint Collector, Anantapur in proceedings No.D.Dis.No.E3/6805/05 dt.7.2.2006 under section 4(B) of A.P. Assigned Lands (POT) Act, 1977 – Dismissed-orders-Issued

REVENUE(ASSN.V)DEPARTMENT

G.O.Ms.No. 615

Dated: 18, June,2009.  
Read the following:

1. R.P. filed by Sri. Kondlapalli PothannaS/o Chinna Linganna R/o Sanapa Village, Atmakur mandal.
2. High Court order dt. 15.11.2007 in W.P. No.24186/2007 filed Sri. K. Pothanna.
3. Govt. Memo. No. 12844/Assn.V(2)/2009-2 dt. 21.3.2009 and 30.3.2009
4. From the Collector, Anantapur Lr.NO.E4/1773/2009 dt. 24.3.2009.
5. From the Tahsildar, Atmakur Mandal Lr.NO.103/09(B) dt.24.4.2009.
6. Written Arguments filed by the counsel for Petitioner dt. 25.4.2009.

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**ORDER:**

In the reference first read above, Sri.Kondlapalli Pothanna S/o Chinna Linganna R/o Sanapa Village, Atmakur Mandal has filed a Revision Petition through his Counsel, against the orders of Joint Collector, Anantapur in D.Dis.No.E3/6805/2005 dt.7.2.2006.

2. In the reference second read above, the Hon'ble High Court while disposing the W.P.No.24186/2007 have directed the first respondent i.e. Government to dispose the Revision Petition if any pending before Government.

3. In the reference third read above, Government have posted the case for hearing on 28.3.2009 and 25.4.2009. The Deputy Tahsildar has attended the hearing. The Deputy Tahsildar has been directed to verify and to report the variation in the original assignment and re-assignment of the land as per enjoyment.

4. In the reference 5<sup>th</sup> read above, the Tahsildar, Atmakur has reported the fact of the case that the following lands in Sanapa (V) was originally assigned to the following persons .

S.No.	Sy.No.	Extent	Name of the Assignee
1.	143-8	3 .30	Kandlapalli Pedda Linganna (died)
2.	143-9	3.30	Kandlapalli Chinna Linganna (died)
3.	143-10	3.30	Kandlapalli Pedda Akkulappa (died)

4.	143-11	3.30	Kondlapalli Chinna Akkulappa (died)
5.	143-12	3.30	Kondlapalli Pothanna
		16.50	

5. He has also reported that all the above assignees are the sons of the Late Boya Hanumantappa of Sanapa village except Sri K.Pothanna (S.No.5) . The assignees 1 to 4 died leaving their legal heirs and they are continuously enjoying the lands by forming ridges towards East to west by raising wet crops using water from the wells which was dugged jointly by the pattadars in Sy.No. 143-8 and 143-12. After the death of the original pattadar the legal heirs are enjoying the land by raising wet crops . The D- form pattas were granted forming the ridges towards North to South as per FMB . But the enjoyment on ground is East to West since its date of assignment. Actually, when the original assignment made , the D- Form pattas were granted forming the ridges towards North to south as per F.M.B.. But the enjoyment on ground is East to west . Sri Kondlapalli Pothanna (S.No.5) and Kondlapalli Kari Pothanna (Legal heir of S.No.2) have filed a petition before the Jt Collector Anantapur requesting to direct the Mandal Revenue Officer, Atmakur not to alter the subdivision .

6. He has further stated that the original assignees jointly dugged two wells each in Sy.No. 143-8 and 143-12 and using the water jointly and also paying electricity charges jointly. The legal heirs and pattadars of Sy.No.143-10 separately drilled a bore well in Sy.No. 143-10 are using the water to the fields by arranging pipe lines. The pattadars are raising wet crops . The Tahsildar, Atmakur has further reported that the dispute arising only in respect of the land in Sy.No. 143-8,9,10,11 & 12 of Sanapa village measuring 16-50 acres. It is further reported that the pattadars and the legal heirs of Sy.No. 143-8,9,10,11 and 12 of Sanapa village are enjoying the land by forming ridges towards East to West since assignment i.e. 30 years and developed their lands by removing bushes , boulders and made the land cultivable. Sri Kondlapalli Pothanna and Smt K. Muthyalakka are requesting for showing the boundaries as per D- form patta towards North to South as the enjoyment on ground differs from that of the assignment granted . Therefore, the then Mandal Revenue Officer, Atmakur has recommended for cancellation of assignment in respect of Sy.No. 143-8,9,10,11& 12 in DAR Dis No. 282/90 , dt. 9.10.1970 for eventual assignment of the land to the enjoyers according to their enjoyment on ground and eligibility.

7. He has also stated that basing on the report of the MRO, Atmakur Jt. Collector has issued show cause notice to the assignee/legal heirs of the assignees of Sanapa village, Atmakur Mandal in Rc.No. E3/383/02,dt. 11.10.02 and they were directed to show cause as to why the assignment granted in Sy.No. 123-8,9,10,11& 12 extent Acs.16-50 of Sanapa village should not be cancelled as the enjoyment on ground differs from the assignment pattas. The enjoyment on ground is towards East to West , but assignment was granted towards North to South. The Jt Collector, Anantapur has passed orders in Procd No.D Dis No. E3/383/02, dt.19.5.2003 directing the RDO Anantapur to inspect the lands in question and to conduct detailed enquiry .

8. He has further stated that, the Revenue Divisional Officer has inspected the lands and observed that the assignment was made in the year 1970 and the legal heirs are cultivating the land with all the risks and huge amount was spent by them and therefore directed the MRO, Atmakur to subdivide the lands as per enjoyment, duly providing Rastha to reach their lands and directed the MRO to submit cancellation proposals for eventual assignment as per present enjoyment. Aggrieved by the above orders of Revenue Divisional Officer, Anantapur Sri Kondlapalli Kari Pothanna and 2 others filed an appeal before Jt. Collector, Anantapur.

9. The Jt Collector, Anantapur vide his proceeding No. D.Dis.No. E3/6805/05, dt. 7.2.06 has observed that as per contention of the petitioner himself the respondents are in possession as per the current enjoyment since 1974. This possession can not be disturbed after more than 32 years. The Jt Collector, Anantapur has opined that there are no reasons to interfere with the orders of the RDO, Anantapur passed in D.Dis No. D2/693/2003, dt. 24.9.05 and dismissed the appeal. As per orders of the Jt Collector, Anantapur the new pattas were issued as per their enjoyment duly canceling the earlier assigned pattas. Aggrieved with above orders, the petitioner filed a Revision Petition before the Government.

10. Subsequently, the petitioner filed W.P.No. 24186/07 and Hon'ble High Court has directed the Government to consider and dispose of the R.P in accordance with law.

11. He has also reported that the D-Form pattas were granted forming ridges towards North to South as per FMB. But the enjoyment on ground is East to West since its date of assignment. Since date assignment all five original assignees were cultivated the land from East to West. Keeping in view of the fertility of the land the original five assignees have formed ridges from East to West. This is the reason for change of angle and thus due to change of angles from East to West the fertile land in Survey No.143-8 to 143-12 is equally distributed among the original assignees and legal heirs of the assignees.

12. In the reference 6<sup>th</sup> cited the Counsel for the petitioner has filed the following written arguments;

- i) That the land in Sy.No.143 letters 8 to 12, measuring Acs.16.15 cts was been assigned to the Revision Petitioner here in and father of the other Revision Petitioner by name Chinna Linganna and their three brothers in the year 1970 and accordingly possession was been given to the assignees as per their respective assignment of land who have cultivated the land for 4 years.
- ii) During 1974 the assigned land are exchanged by brothers contra to their assignment. As there was dispute between brothers an appeal was filed under provision of Act 9/77. The lower appellate Courts i.e. RDO, Anantapur and Jt. Collector Anantapur failed to appreciate the provision of Act 1977 (A.P. Assigned (POT) Act 1977) for the purpose of restoration of assignments.

- iii) The appeal filed by the Revision petitioner is dismissed by the Revenue Divisional Officer & Jt Collector without giving appropriate reasons and also failed to consider the rulings referred in the appeal and also copies of ruling filed with appeal ground .
- iv) The revision challenging the lower court orders basing on the ruling reported in 1989 Andhra Law times, volume 3 page 620 by justice M.N. Rao may be read as part and parcel of the written arguments.
- v) The Hon'ble High court held that exchange of lands /sites is prohibited under section 3 of Act 9/77 and hence the authority under section 4 not below the rank of MRO shall take possession of land existing transferees and shall restore the same to the assignees or the legal heirs In such mandatory duty the question of inconveniency and hardship cannot be countenanced in implementing the duty imposed under Act 9/77.
- vi) The Council for the petitioner has finally requested that as per the above ruling the orders of Jt Collector may be reversed and to direct the Tahasildar, Atmakur to restore the lands to the appellants as per their assignment.

13. After examining the original records and perusing the report of the Tahsildar and also the written arguments filed by the counsel for petitioner, Government have observed that there is no reason to interfere with the orders of the Join Collector, Anantapur vide his proceedings No. DDs.E3/6805/2005 dt.7.2.2006 as the pattas were revised as per the enjoyment on ground and there is no change in the extent of land originally allotted to assignees. The Revision Petition is accordingly dismissed.

14. The Collector, Anantapur District shall take necessary action in the matter.

( BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHARAPRADESH)

**M.SAMUEL**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To  
Sri. Kondlapalli Pothanna S/o China Linganna R/o Sanapa Village,  
Atmakur Mandal *through* the Collector, Anantapur District,  
The Collector, Anantapur District.  
The Tahsildar Atmakur, Anantapur District .

Copy to:

Sri. K.Maheswara Rao, Advocate, Flat No.101, Krytal Apartment,  
Sharada Nagar, Dilsukh Nagar, Hyderabad.

SF/SC

//FORWARDED::BY ORDER//

**SECTION OFFICER**